

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1016 of 1996

in

SPECIAL CIVIL APPLICATION No 7003 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

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DAKSHABEN T PATEL

Versus

DY.SECRETARY

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Appearance:

MRS DT SHAH for Appellant

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 12/02/99

ORAL JUDGEMENT (Per Patel, J.)

1. The present appeal is preferred by original petitioner of Special Civil Application No. 7003 of 1992 being aggrieved by the order passed by learned Single Judge on 1.3.1994.

2. The appellant was working at the relevant time as Public Health Nurse Class III and she approached the Court by filing the aforesaid petition contending that she ought to have been promoted to the post of Public Health Nursing Officer Class II.

3. The criteria for promotion to the post of Public Health Nursing Officer Class II is not seniority but is on the basis of merits. It was submitted that the case of the petitioner was considered by the Departmental

Promotion Committee and on perusal of the service record of the petitioner, the Committee opined that the appellant does not deserve promotion. Thus, the case of the appellant was considered by the Departmental Promotion Committee. Learned Single Judge, while considering the affidavit filed on behalf of the respondent, was of the view that the Departmental Promotion Committee has rightly arrived at a conclusion and pointed out that the case of the petitioner will be considered in future.

4. Looking to the facts and circumstances of the case which are narrated in the affidavit, we are of the view that no interference is called for. Hence this appeal stands dismissed.

csm./ -----